



MURIEL GOODE-TRUFANT
Corporation Counsel

THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007

NICHOLAS R. TAMBONE
Assistant Corporation Counsel
Phone: (212) 356-8767
Email: ntambone@law.nyc.gov

May 1, 2025

By ECF

Hon. Katherine Polk Failla
U.S. District Court, Southern District of New York
Thurgood Marshall U.S. Courthouse
40 Foley Square, Room 2103
New York, NY 10007
Failla_NYSDChambers@nysd.uscourts.gov

MEMO ENDORSED

Re: *Manos v. New York City Department of Education*, No. 25-cv-01101-KPF

Dear Judge Failla:

This Office represents Defendant New York City Department of Education (the “DOE”). Pursuant to the Court’s Individual Rule 3(b), I write on behalf of all parties to provide a joint letter in advance of the pretrial conference scheduled for May 9, 2025 at 11:00 a.m. (ECF No. 5.) In short, the parties jointly request to adjourn the May 9 pretrial conference, and also jointly request to be excused from submitting a case management plan at this time.

Earlier today, the DOE filed a letter to the Court requesting a pre-motion conference for a motion to dismiss under Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6). In light of the DOE’s position that the Court lacks subject-matter jurisdiction over this action, the DOE requests that the May 9, 2025 pretrial conference be adjourned indefinitely, and that the parties be excused from submitting a proposed case management plan at this time. Plaintiff maintains the Court has jurisdiction, and intends to oppose the anticipated motion.

Moreover, even if the Court has subject-matter jurisdiction over this action, the parties are in agreement that little, if any, discovery is needed in this case. Because Plaintiff seeks review of an administrative decision by a New York State Review Officer, there is an existing administrative record here, and any hypothetical issues the Court has jurisdiction to decide can likely be decided on the existing record.

For these reasons, the parties jointly request (a) an adjournment and waiver of the May 9, 2025 initial pretrial conference, and (b) waiver of the requirement to submit a proposed case management plan. The parties thank the Court for its consideration of these requests.

Respectfully submitted,

/s/ Nicholas R. Tambone

Nicholas R. Tambone
Assistant Corporation Counsel

cc: All counsel of record (by ECF)

The Court is in receipt of the letters filed at docket entries 10 and 11.

The initial pretrial conference currently scheduled for **May 9, 2025, at 11:00 a.m.**, is converted to a pre-motion conference. Plaintiffs' response to Defendant's pre-motion letter is due on or before **May 6, 2025.**

As before, the conference will be telephonic. At the scheduled date and time, the parties are to call (855) 244-8681 and enter access code 2315 780 7370.

The Clerk of Court is directed to terminate the pending motions at docket entries 10 and 11.

Dated: May 2, 2025
New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading "Katherine Polk Failla".

HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE